IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10996 of 1994

For Approval and Signature:

HON'BLE MR. JUSTICE ANANT S DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned d Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DM VAGHELA

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 10996 of 1994

MR PK JANI for Petitioner No. 1

Mrs.Manisha L Shah, AGP for Respondent No. 1-4

CORAM : HON'BLE MR. JUSTICE ANANT S DAVE

Date of decision: 18/10/2004

ORAL JUDGEMENT

1. It is the case of the petitioner that he was initially appointed as Clerk on work-charge basis with

the respondent No.2 and he was called upon by the Deputy Executive Engineer, Bareja, District Ahmedabad, to explain as to what is the actual birth date of the petitioner because some differences were found in two birth dates which were available with the respondents. It is stated by the petitioner that the petitioner had approached the Gujarat Civil Services Tribunal against the decision of the respondents-Authorities whereby his reply was not taken into consideration qua show cause notice dated 7.10.1992. After hearing both the parties and after scrutinizing the relevant record produced by the parties, the Tribunal came to the conclusion that there was no interpolation so far as two birth dates were concerned and it was observed that the Authorities have arrived at an unwanted conclusion and, without holding a detailed departmental enquiry and without examining the relevant witnesses, the petitioner was sought to be removed. The Tribunal, by order dated 25th February 1993, quashed and set aside the order dated 16th November 1992 and the petitioner was ordered to be reinstated.

2. So far as this petition is concerned, the grievance raised by the petitioner was that the petitioner was not given his revised pay-scale and other consequential benefits.

3. Today, when the matter is called out for final hearing, learned Assistant Government Pleader, Mrs. Shah, has submitted that, as per the letter dated 21st December 1994, addressed by the Executive Engineer, Irrigation Department, Ahmedabad, respondent No.2 herein, the grievance of the petitioner no more survives since the petitioner was granted revised pay-scale and benefits and the petitioner has continued to work accordingly. Thus, in view of the statement made by the learned Assistant Government Pleader, Mrs. Shah, on the basis of the written instructions from the respondent No.2, by and large, the grievance of the petitioner is substantially redressed.

4. In this view of the matter, Rule is discharged with no order as to costs. At this stage, the learned advocate for the petitioner prays that the liberty may be reserved to the petitioner to revive this petition in case of difficulty. This prayer is granted and the petitioner is at liberty to revive this petition in case of any difficulty.

(Anant S. Dave, J.)
(swamy)